

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS**

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**LUKE M GODWIN**

Claimant

**APPEAL 15A-UI-06232-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**QUALITY CUT LAWN CARE LLC**

Employer

**OC: 01/04/15**

**Claimant: Appellant (4)**

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Iowa Code § 96.5(1) – Voluntary Leaving - Layoff  
Iowa Code § 96.5(1)a – Voluntary Leaving/Other Employment

**STATEMENT OF THE CASE:**

The claimant filed an appeal from the May 22, 2015, (reference 01) unemployment insurance decision that denied benefits. The parties were properly notified about the hearing. A telephone hearing was held on July 8, 2015. Claimant participated along with his witness Patrick Peters. Employer did not participate.

**ISSUE:**

Did the claimant voluntarily quit his employment without good cause attributable to the employer and was he laid off due to lack of work?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant was employed full time as a lawn care worker beginning on June 17, 2013 through February 28, 2015 when he voluntarily quit because he obtained new employment at Michigan Sporting Goods. He performed work for the new employer. Prior to that time the claimant had been laid off from this employer due to lack of work. He had accurately reported the wages he earned from this employer when making his weekly continuing claims. There was no lawn care or snow removal work for the claimant during the majority of the month of February 2015.

**REASONING AND CONCLUSIONS OF LAW:**

For the reasons that follow, the administrative law judge concludes the claimant was laid off due to a lack of work between February 8, 2015 and February 28, 2015.

Iowa Code § 96.5(1) provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

Iowa Admin. Code r. 871-24.1(113)a provides:

Separations. All terminations of employment, generally classifiable as layoffs, quits, discharges, or other separations.

a. Layoffs. A layoff is a suspension from pay status initiated by the employer without prejudice to the worker for such reasons as: lack of orders, model changeover, termination of seasonal or temporary employment, inventory-taking, introduction of laborsaving devices, plant breakdown, shortage of materials; including temporarily furloughed employees and employees placed on unpaid vacations.

Therefore, the separation for the period between February 8 and February 28 was attributable to a lack of work by the employer. Benefits are allowed.

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left the employment to accept employment elsewhere.

Iowa Code § 96.5(1)a provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department. But the individual shall not be disqualified if the department finds that:

a. The individual left employment in good faith for the sole purpose of accepting other or better employment, which the individual did accept, and the individual performed services in the new employment. Benefits relating to wage credits earned with the employer that the individual has left shall be charged to the unemployment compensation fund. This paragraph applies to both contributory and reimbursable employers, notwithstanding § 96.8, subsection 5.

Iowa Admin. Code r. 871-24.28(5) provides:

Voluntary quit requalifications and previously adjudicated voluntary quit issues.

(5) The claimant shall be eligible for benefits even though the claimant voluntarily quit if the claimant left for the sole purpose of accepting an offer of other or better employment, which the claimant did accept, and from which the claimant is separated, before or after having started the new employment. The employment does not have to be covered employment and does not include self-employment.

Iowa Admin. Code r. 871-23.43(5) provides:

(5) Sole purpose. The claimant shall be eligible for benefits even though the claimant voluntarily quit if the claimant left for the sole purpose of accepting an offer of other or better employment, which the claimant did accept, and from which the claimant is separated, before or after having started the new employment. No charge shall accrue to the account of the former voluntarily quit employer.

The claimant did leave in order to accept other employment and did perform services for the subsequent employer. Accordingly, benefits are allowed and the account of the employer shall not be charged after February 28, 2015.

**DECISION:**

The May 22, 2015 (reference 01) decision is modified in favor of the appellant. The claimant was laid off due to a lack of work through February 28, 2015. Benefits are allowed, for the period through February 28 2015 and the employer's account is subject to charge for those benefits. The claimant voluntarily left his employment in order to accept other employment effective February 28, 2015. Benefits are allowed, provided the claimant is otherwise eligible. The account of the employer (account number 343449) shall not be charged for benefits paid to the claimant after February 28, 2015.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

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